

Appl. No. 10/707,559
Amdt. dated June 3, 2005
Reply to Office action of May 4, 2005

REMARKS/ARGUMENTS

1. Election/Restriction

The application contains claims directed to the following patentably 5 distinct species of the claimed invention:

Species I: the specifics being an in-plane switching mode liquid crystal display wherein a longitudinal axis of the liquid crystal molecules is positioned along a second direction and is horizontally arranged between the upper surface of the bottom substrate and lower surface of the top substrate, and an angle is formed between the second direction and the first direction, claims 1-16;

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Species II: the specifics being an in-plane switching mode liquid crystal display wherein when a voltage is applied between the first electrode and the second electrode, a longitudinal axis of the liquid crystal molecules is positioned along a third direction which is substantially perpendicular to the first direction, claims 17, 18.

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If group I is elected this application contains claims directed to 25 patentably distinct sub-species:

A: the specifics being a polarized direction of the first polarizer is

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parallel to the second direction and a polarizer direction of the second polarizer is perpendicular to the second direction; claim 3;

5 B: the specifics being a polarized direction of the first polarizer is parallel to the second direction and a polarizer direction of the second polarizer is perpendicular to the second direction, claim 4.

10 Applicant is required under 35 U.S.C.121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Response:

15 Applicant hereby elects species I and sub-species A in response to the above restriction requirement. The claims readable upon the elected species are claims 1-3, and 5-16. Also, claim 3 has been amended to correct a typographical error only, to facilitate prosecution. No new matter is introduced.

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2. Request for reconsideration of the restriction requirement under 37 CFR 1.143.

25 Applicant believes that the present application does not need a sub-species election. Species A (defined by claim 3) of the present application discloses a disposition of the first polarizer and the second polarizer. And species B (defined by claim 4) discloses another disposition of the first polarizer and the second polarizer. The spirit of the disposition disclosed in claim 3 and claim 4 is the perpendicular relation between the

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first polarizer and the second polarizer. There is no conflict between claim 3 and claim 4 based on the reason described above. Such set of perpendicular polarizers has already been disclosed in U.S. patent no. 6,876,418.

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In addition, applicant argues that claim 1 is the generic claim on which both claim 3 and claim 4 depend. Therefore, the applicant believes that sub-species A and sub-species B of the present application should be grouped together and should not be patentably distinct. Reconsideration of 10 this sub-species restriction requirement is hereby requested.

Sincerely yours,

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